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CAROL C. FITZGERALD
CLERK
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DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

In the Matter of

Adoption of Rule 118 into the
Local Bankruptcy Rules of this
Court

Special Order No. 22

Pending the effective promulgation of national rules governing bankruptcy procedures under the Bankruptcy Reform Act of 1978, 11 U.S.C. §§ 101 et seq., and in substantial conformity with the pertinent portions of Rule 8004 of the "Suggested Interim Bankruptcy Rules" drafted by the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States, the following Rule, to be numbered 118, is adopted and added to the Bankruptcy Rules of Practice of this Court, effective October 1, 1979:

"Leave to Appeal; Interlocutory Orders

"(a) Application for Leave to Appeal. Leave to appeal under 28 U.S.C. § 1334(b) shall be sought by filing an application for leave with the clerk of the district court within the time provided by United States Bankruptcy Rule 802 for filing a notice of appeal, with proof of service by the applicant in accordance with United States Bankruptcy Rule 804. A notice of appeal need not be filed.

"(b) Content of Application; Answer. The application shall contain a statement of the facts necessary to an understanding of the questions to be presented by the appeal; a statement of those questions and of the relief sought; a statement of the reasons why in the opinion of the applicant leave to appeal should be granted; and a copy of the order, decree or judgment complained of and of any opinion or memorandum relating thereto. Within 10 days after service of the application an adverse party may file an answer in opposition. The application and answer shall be submitted without oral

1 argument unless otherwise ordered.

2 "(c) Leave to Appeal Granted; Filing of Record.
3 If leave to appeal is granted, the record shall be
4 designated and transmitted and the appeal docketed
5 in accordance with United States Bankruptcy Rules
6 806 and 807. The time fixed by those rules for de-
7 signating and transmitting the record and docketing
8 the appeal shall run from the date of the order
9 granting leave to appeal. A notice of appeal need
10 not be filed.

11 "(d) Statement of Bankruptcy Judge; Interlocutory
12 or Final Order, Decree or Judgment. The bankruptcy
13 judge shall attach to the record on each appeal from
14 his court to the district court a signed statement
15 of opinion as to whether the order, decree or judg-
16 ment complained of is interlocutory or final as it
17 relates to the provisions of 28 U.S.C. § 1334(b),
18 including a presentation of reasons given in support
19 of such a determination.

20 "(e) Appeal Improperly Taken Regarded as an
21 Application for Leave to Appeal. If a timely notice
22 of appeal is filed where the proper mode of proceed-
23 ing is by an application for leave to appeal under
24 this rule, the notice of appeal shall be deemed a
25 timely and proper application for leave to appeal.
26 The district court may enter an order either granting
27 or denying leave to appeal or directing that an appli-
28 cation for leave to appeal be filed. Unless the dis-
29 trict court fixes another time in its order directing
30 that an application for leave to appeal be filed, the
31 application shall be filed within 10 days of entry of
32 the district court's order."

33 *October 2*
34 DATED: ~~September~~ 2, 1979.

35
36 CHIEF UNITED STATES DISTRICT JUDGE

37
38 UNITED STATES DISTRICT JUDGE

39
40 UNITED STATES DISTRICT JUDGE